



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY, 17th FLOOR  
NEW YORK, NEW YORK 10007-1866

SEP 22 2014

**URGENT LEGAL MATTER**  
**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Robert P. McIntire  
601 N. Bridge Street  
Bridgewater, New Jersey 08807

Re: **Request for Information pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq., relating to the Canfield, M.C. Sons Site, Newark, New Jersey**

Dear Mr. McIntire:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Canfield, M.C. Sons Superfund Site ("the Site") located at Cornerstone Lane and Marrow Street in Newark, New Jersey. The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at [www.epa.gov/superfund/action/law/index.htm](http://www.epa.gov/superfund/action/law/index.htm).

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. The Site is the location of a former lead smelter located in the area of 63-67 Cornerstone Lane and 52-56 Marrow Street and consists of Block 406, Lot 1 in the area of units 25.01, 25.02, 25.03, 25.10, 25.11 and 25.12 (formerly known as 93 Wilsey Street, Block 409, Lot 22 and 196 Newark Street, Block 409, Lot 31) in the City of Newark.

EPA is conducting a cleanup action addressing the release and threat of release of hazardous substances, pollutants, or contaminants at the Site. This cleanup is being conducted pursuant to our response authorities under the federal Superfund law.

M.C. Canfield Sons Company, was a solder and babbitt metal manufacturer which operated at the Site from the late 1800's until the early 1970's when the business operations moved to Union, New Jersey. The former Canfield, M.C Sons Site was purchased by K. Hovnanian at Newark Urban Renewal Corporation II, Incorporated and redeveloped into residential condominium units

The New Jersey Department of Environmental Protection ("NJDEP") conducted soil sampling on March 15, 2012 to determine if metal contamination associated with past smelting operations was present in the soil above New Jersey's Soil Remediation Standards ("NJSRS"). Elevated lead contamination in surface soil samples was found ranging from 753 parts per million ("ppm") to 4,860 ppm which exceeds the NJSRS. On May 9, 2012, NJDEP referred the Site to EPA for evaluation for a removal action under CERCLA.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information to EPA **within fourteen (14) calendar days of your receipt of this letter.**

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the attached information request, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the material stored at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Request for Information should be mailed to:

Clara Beitin  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, New York 10007-1866

A copy of your reply should be sent to:

Marissa Truono  
U.S. Environmental Protection Agency, Region II  
2890 Woodbridge Avenue  
Building 205, MS-211  
Edison, New Jersey 08837

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Ms. Truono at (732) 321-4460. Please direct all inquiries from an attorney to Ms. Beitin at (212) 637-4382.

We appreciate and look forward to your prompt response to this matter.

Sincerely yours,



Walter E. Mugdan  
Director  
Emergency and Remedial Response Division



Enclosure

cc: Clara Beitin, EPA  
Marissa Truono, EPA

## **ATTACHMENT A**

### **INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION**

1. Answer Every Question Completely. A complete and separate response should be given for each question. For each question contained in **Attachment B** of this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Request for Information. Whenever in this request for Information there is a request to identify a natural person or an entity other than a natural person, state, among other things, the person or entity's full name and present or last known address. Consult with all present and past employees and agents of the Company whom you have reason to believe may be familiar with the matter to which the question pertains.
4. Identify Sources of Answers. In answering each question, identify (see Definitions) each individual and any other source of information (including documents) that was relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be specific. If you have reason to believe that an individual other than yourself may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
6. Documents. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages and all recipients of the document with its addresses. If anything is omitted from a document produced in your response to the Request for Information, state the reason for, and the subject matter of, the omission.

7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim which covers part or all of the information requested, pursuant to Sections 104(e) (7) (E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e) (7) (E) and (F), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim is confidential, you must separately address the following points.
  - a. the portions of the information alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determination or a reference to them, if available; and
  - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is

### **Definitions**

1. As used herein, the term "Site" shall refer to the Canfield, M.C. Sons Site located at 63-67 Cornerstone Lane and 52-56 Marrow Street and consists of Block 406, Lot 1 in the area of units 25.01, 25.02, 25.03, 25.10, 25.11 and 25.12 (formerly known as 93 Wilsey Street, Block 409, Lot 22 and 196 Newark Street, Block 409, Lot 31) in City of Newark and any adjacent areas that may have been affected by contamination from the Site.
2. As used herein, the term "Company" refers to Kaydon Acquisition XI, Incorporated ("Kaydon Acquisitions") as it is currently named and constituted, including all subsidiaries, divisions, and branches as well as any predecessors and successors of Kaydon Acquisitions. The term "Company" is not limited to corporations.
3. The terms "factory building" shall mean the building formerly located at 93 Wilsey Street, which had been utilized as a lead solder and babbitt smelter.
4. The term "facility" shall have the meaning set forth in Section 101(9) of CERCLA, at 42 U.S.C. § 9601(14).
5. The term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, at 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
6. As used herein, the term "industrial waste" shall mean any solid, liquid, or sludge or any mixture thereof which possesses any of the following characteristics:
  - a. it contains one or more "hazardous substances" (at concentration) as defined in 42 U.S.C. Section 9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5); it has a pH less than 2.0 or greater than 12.5; it reacts violently when mixed with water;
  - c. it generates toxic gases when mixed with water; it easily ignites or explodes;
  - d. it is an industrial waste product;
  - e. it is an industrial treatment plant sludge or supernatant; it is an industrial byproduct having some market value;
  - f. it is coolant water or blowdown waste from a coolant system; or

received by EPA, then it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information which you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of the information is confidential business information. Please be advised that EPA may disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.
10. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the question within the Request for Information letter, it is still required to respond to each of the questions.
14. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.